

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Candace Talley

Date application filed with the Town Clerk: March 10, 2006

Nature of request: A Special Permit, under Section 5.013 of the Zoning Bylaw to teach craft classes for up to 12 students in a barn studio and to sell flowers/plants seasonally in connection with a home occupation as a landscape gardener and, under Section 5.0101, to operate a Bed and Breakfast for up to 4 guests

Address: 649 East Pleasant Street (Map 8B, Parcel 48, R-N Zoning District)

Legal notice: Published on April 12 and April 19, 2006 in the Daily Hampshire Gazette and sent to abutters on April 12, 2006

Board members: Ted Rising, Barbara Ford and Jane Ashby

Submissions: The petitioner submitted the following:

- A site plan of the property showing the house and grounds, the cutting gardens and the barn studio
- Floor plans of the Bed & Breakfast portion of the house, and the barn studio where the craft classes are taught
- A Management Plan for the proposed accessory uses
- Three letters of support for the proposal from immediate neighbors

The zoning assistant submitted a memo, dated 4/21/06, concerning various zoning and parking aspects of the proposal.

Site Visit: April 25, 2006

The Board met with Ms. Talley at the site. They observed:

- The large 1.25 acre lot at the corner of East Pleasant Street and Sheerman Lane
- The cutting gardens in the back of the house adjacent to Sheerman Lane, from which the applicant sells flowers for special events (e.g. weddings) and bouquets to customers
- The woodland gardens in front of the house, which yield plans for the applicant's yearly spring plant sale
- The extra wide driveway used for parallel parking, plus the three parking places in front of the barn for parking
- The driveway, with an entrance off East Pleasant Street and an optional throughway onto Sheerman Lane
- The barn studio where craft classes are taught
- The kitchen where cooking and other crafts are taught
- The upstairs portion of the house that is devoted to the Bed & Breakfast business

- The separate access for the Bed & Breakfast guests.
- The kitchen entrance, and an additional means of egress from the house for guests and students if needed.

Public Hearing:

Ms. Talley spoke to the petition at the hearing. She wishes to codify and expand her three accessory businesses – craft classes, flowers and gardening consultant, and the bed & breakfast operation.

In terms of the craft classes, Ms. Talley currently has classes for 6 children at one time, but she would like to expand the enrollment to 12 children for after school/vacation days, and to add adult classes (enrollment of 6) in the evenings. The children usually come after school and car pool home. Drivers generally park for a moment along the driveway to pick up the children, then drive through to Sheerman Lane. For adult classes, there would be less car pooling, but there is plenty of space in the driveway for six cars, she said. The classes are held in the barn studio or in her large kitchen that can seat 12 around a center counter. Occasionally the children's activities are held on the lawn in her yard. There are swings, a campsite for cook-outs, and a large grassy area on the property.

To help with the craft classes, Ms. Talley currently employs high school girls as part-time assistants, one at a time. If the classes are increased to 12 students, she will possibly need two part-time assistants, she said.

In terms of the gardening activities, Ms. Talley said that she has degrees in plant biology. Ms. Talley calls her business "Stone House Farm". To that end, she 1) grows and sells flowers for special occasions such as weddings or parties, 2) sells flower bouquets from the little "Stone House" on her property (which was a smoke house when the property was part of a farm), 3) has a yearly spring plant sale for perennials from her gardens, 4) has a subscription business for a set number of bouquets or gardening services per year, and 5) is a consultants for gardening or landscaping needs. Most of this work she does alone, but does have part-time helpers at times.

Ms. Talley has a sign along East Pleasant Street, approximately 32 x 32 inches that says "Stone House Farm". In season, she attaches small plaques under the sign that say "plant sale" or "cut flowers". These are removed when the plant or flower sales are finished.

The Bed and Breakfast activity is allowed by right under Section 5.0100 of the Zoning Bylaw for up to three guests. Ms. Talley stated that occasionally she has a fourth guest, and wishes to have permission to do so under Section 5.0101 of the Bylaw. The upstairs of her house is dedicated to the bed & breakfast activity – there are two bedrooms, a bathroom, and a kitchen/dining/lounge area. The sofa in the lounge area also folds out to become a bed if needed. Ms. Talley said that she only rents to one unit at a time, which is usually one to three people, and the guests have one car. Occasionally the guests may be coming from different locations and have two cars. They park either along the driveway in front of their gated entrance to the house or in front of the barn.

There is parking for at least 8 cars along the wide driveway and in front of the barn, Ms. Talley said.

Ms. Ford asked about exterior lighting. Ms. Talley said that she has 8 floodlights around the barn, all downward facing, and a pole light by the entrance gate for the Bed and Breakfast guests.

The Board reviewed the submitted Management Plan, and commended the applicant on the management of her three accessory businesses. The Board changed two items in the management plan:

1. The number of employees was increased from one to two part-time assistants for the craft classes, reflecting the need if classes are expanded from 6 to 12 children. Ms. Talley said that these assistants sometimes help with the bed and breakfast or gardening activities, but there would never be more than two assistants at one time.
2. The number of guests for the bed and breakfast business was increased to 5 guests. Given the space in the upstairs of the house, and the fact that Ms. Talley only rents to a single unit, a family of five may wish to stay at Ms. Talley's house. Ms. Talley did say that this would be a rare occasion, however.

Mr. Rising noted the three letters of support for the applicant's businesses. They were from Dr. Ange DiBenedetto, 38 Emily Lane, Virginia Kilmer, 11 Sheerman Lane, and Lois Bass, 635 East Pleasant Street. Dr. DiBenedetto also spoke in support of the petition at the hearing.

Mark Snow, Assistant Building Commissioner, asked Ms. Talley if she had checked the building code for a bed & breakfast when she remodeled her house. Ms. Talley responded that she wasn't sure, but that the Health Inspector checks the rooms regularly and has said that she can have up to 5 people, given the size of the space. She also said that she had a wired alarm system installed for the house. Mr. Snow said that, after a certain number of guests, a different building code is necessary. He will help her to determine the upper limit for guests according to the building code.

Ms. Ashby made a motion to close the evidentiary part of the hearing. Ms. Ford seconded the motion, and the vote was unanimous to close the hearing.

Public Meeting:

The Board reviewed the management plan and found it satisfactory, given the two changes noted above. The Board noted that there is no limit to the number of accessory uses for a residence, and found the three activities of the applicant to be complementary, not interfering with one another.

Mr. Rising said that the applicant's gardening and craft classes have been a real asset to the community. The three letters of support all emphasized this point. Also, Ms. Talley had received the 2000 Preservation Award of Merit from the Amherst Historical Commission for her restoration of the house, barn and grounds.

It was noted that Ms. Talley had previously received two other Special Permits, one to construct a new kitchen, two baths and a bedroom for the house (FY1999-0001) and the other to keep two goats and up to 10 chickens as pets (FY2001-00024).

Findings:

The Board finds under Section 5.013, Home Occupation, that:

5.0130 – The classes, bed & breakfast, and gardening activities are clearly secondary to the use of the premises for dwelling purposes.

5.0131 – No more than two persons other than the residents are regularly employed on the premises.

5.0133 – No external change has been made to alter the residential appearance of the house and barn.

5.0134 – The accessory uses (craft classes and bed/breakfast) are held within the house or barn, and there is no outward evidence that the premises are being used for these purposes. The gardens, though extensive, are also residential in appearance. The accessory sign says “Stone House Farm”, which does alert customers to the location of the premises, but does not specifically advertise any of the accessory uses, except for the seasonal plant sale.

5.0135, 5.0136 & 5.0137 – The proposed accessory uses are suitably located in the neighborhood of residences and an F-C (farm conservation) district across the street. The gardens enhance the neighborhood and are attractive visually to passers-by.

5.0138 – Adequate and appropriate facilities have been provided for the three accessory activities on site, because there is a separate part of the house for the bed and breakfast business, the barn and kitchen are used for the craft classes, and there is ample room in the driveway for customers to park and buy flowers or plants.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380, 10.381 & 10.385 – The proposal is suitably located in the neighborhood in which it is proposed and is compatible with existing uses allowed by right because the residential use is predominant, and the accessory uses are not visible except during the plant sales. The gardening activities have improved the appearance of the property and the neighborhood.

10.382, 10.383 & 10.384 – The proposal does not constitute a nuisance due to noise, lights or structures because the craft classes and bed/breakfast activities are conducted indoors. If the children are outdoors, the property is large enough to accommodate the noise of outdoor activities. Outdoor lights are downcast, and separate locations of the property are used for the three different accessory uses. The restoration of the house and barn have allowed for proper facilities for the accessory businesses.

10.386 & 10.387 – The proposal ensures that it is in conformance with the parking and sign regulations. Seven parking places are shown on the submitted site plan; two spaces are needed for the bed and breakfast, two for the residence and 1.5 for the 520 sq. ft. for the barn studio (Section 7.004 of the Zoning Bylaw). Section 7.005 gives no required parking for the flower/plant sales, only “adequate parking”, which the applicant has shown. Street parking is also available, plus there are two curb cuts on the property, allowing for safe vehicular movement. For the sign, Section 8.100 allows for one sign not over 8 square feet; the applicant’s sign is 7.5 square feet.

10.389 – The proposal provides adequate methods of disposal in that the applicant’s Management Plan states that she contracts for weekly pickup of trash and recycling. Craft materials are stored in shelves in the barn studio and in an 8x10 storage room. The goats are kept to eat the flower and plant discards not used in the garden sales. The applicant also composts gardening waste.

10.391 – The proposal protects the unique and historic features of the house and property, because the accessory uses are contained within the restored 100-year farmhouse, which received the 2000 Preservation Award from the Amherst Historical Commission.

10.392, 10.393 & 10.395 – The proposal provides adequate landscaping, including the screening of adjacent residential uses because the applicant has installed fencing along the East Pleasant and Sheerman Lane sides of the property with evergreen hedges inside the fencing. The back of the property is screened by a yew hedge and the southern edge of the property is lined with mature maples and oaks, plus the applicant’s woodland gardens. Exterior lighting is downcast.

10.397 – The proposal provides adequate recreational facilities and open space in that there are swings, a play house and a large grassy lawn for the children in the classes.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw because the applicant, in sharing her gardening and craft talents with the community, has enhanced the general

welfare of Amherst citizens and beyond.

Zoning Board Decision:

Ms. Ashby MOVED to approve the permit, subject to conditions. Mr. Rising seconded the motion.

For all of the reasons stated above, the Board VOTED UNANIMOUSLY to APPROVE a Special Permit to Candace Talley to teach craft classes for up to 12 students in the barn studio and to sell flowers/plants seasonally in connection with a home occupation as a landscape gardener, under Section 5.013 of the Zoning Bylaw, and under Section 5.0101, to operate a Bed and Breakfast business for up to 5 guests on the premises at 649 East Pleasant Street, (Map 8B /Parcel 48, R-N Zoning District), with conditions.

TED RISING

BARBARA FORD

JANE ASHBY

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.
NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Candace Talley to teach craft classes for up to 12 students in the barn studio and to sell flowers/plants seasonally in connection with a home occupation as a landscape gardener, under Section 5.013 of the Zoning Bylaw; and, under Section 5.0101, to operate a Bed and Breakfast business for up to 5 guests on the premises at 649 East Pleasant Street, (Map 8B /Parcel 48, R-N Zoning District), subject to the following conditions:

1. The accessory uses shall be operated according to the Management Plan approved by the Board at a public meeting April 27, 2006 and on file in the Zoning Board of Appeals office, Planning Department.
2. There shall be no more than two employees in addition to the applicant for the craft classes.
3. This permit shall expire upon change of ownership of the property.

TED RISING, Chair
Amherst Zoning Board of Appeals

DATE